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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/502,212      | 02/11/2000  | David Anthony Gawler | 4747                | 4884             |

7590 12/02/2003

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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                       |
|------------------------------|------------------------|-----------------------|
| <b>Office Action Summary</b> | Application No.        | Applicant(s)          |
|                              | 09/502,212             | GAWLER, DAVID ANTHONY |
|                              | Examiner<br>Naresh Vig | Art Unit<br>3629      |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 September 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 14-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 14-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This is in reference to response received on 09 September 2003 to the office action mailed on 02 July 2003. Cancellation of claims 1 – 13 and addition of new claims 14 – 26 is acknowledged. There are 13 claims, claims 14 – 26 pending for examination.

### ***Response to Arguments***

In response to applicant's argument that in DirecTV, each downloaded entry represents purchased, and hence, completed, programming. As the subscriber is to be billed on the basis of the programming purchase information, the programming purchase information has manifestly to relate to purchased programming. In postal application, each mail piece franked is considered consumed (stamp has been applied on the mail piece, in case of DirecTV, programming has been consumed). In applicant's invention batch is plurality of mail pieces franked in one run of franking, whereas, in DirecTV, plurality of programming consumed in 1 day of broadcast.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herring US Patent 6,064,992 in view of DirecTV, Inc. hereinafter known as DirecTV.

Regarding claims 14 and 23, Herring discloses system and method of accounting for postage charges in respect of batches of mail items [abstract]. Herring discloses: storing an accumulated aggregate value of postage dispensed in applying postage charges to mail items [col. 1, lines 29 – 31].

Herring does not disclose:

storing an accumulated pending value of postage dispensed in applying postage charges to mail items of any uncompleted batches of mail items. DirecTV discloses storing of accumulated pending value of programming used by the subscriber (product that the subscriber consumes from the service provider, i.e. postage dispensed when the service provider is a mail authority), and user owes the money to the service provider (DirectTV batch is plurality of programming consumed by the subscriber in a days length which is uncompleted until the day is complete, i.e uncompleted batches) [page 18], and

in response to completion of one batch (end of day and download of billing information in complete), decrementing the accumulated pending value (programs consumed by the consumer) [page 18].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Herring as taught by DirecTV to minimize system load by minimizing access to accounting information every time a consumer consumes a product, to determine account payable or account receivable information, etc.

Regarding claim 15. Herring does not disclose storing the accumulated pending value includes the step of storing an accumulated pending value of postage dispensed in applying postage charges to mail items of the one uncompleted batch of mail items and postage charges to further mail items of at least one further uncompleted batch of mail items.

DirecTV discloses storing of accumulated pending value of programming used by the subscriber (product that the subscriber consumes from the service provider, i.e. postage dispensed when the service provider is a mail authority), and user owes the money to the service provider (DirectTV batch is plurality of programming consumed by the subscriber in a days length which is uncompleted until the day is complete, i.e uncompleted batches) [page 18], and in response to completion of one batch (end of day and download of billing information in complete), decrementing the accumulated pending value (programs consumed by the consumer) [page 18]. Also, DirecTV

discloses that it will not interfere if someone is on phone i.e. phone is not available for DirecTV to download billing information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify Herring as taught by DirecTV to minimize system load by minimizing access to accounting information every time a consumer consumes a product, to determine account payable or account receivable information, minimize losses by minimizing user leaving batch jobs incomplete (DirecTV could not download billing information because the telephone connection was not available) etc.

Regarding claims 16 and 24, Herring discloses accumulated aggregate value comprises postage dispensed on mail items of the one completed batch of mail items and postage dispensed on mail items of at least one further uncompleted batch of mail items [col. 3, lines 53 – 54].

Regarding claims 17 – 18 and 25 – 26, Herring discloses accumulated aggregate value consists only of the postage dispensed in respect of mail items of completed batches of mail items (e.g. batch of 1 mail piece), and, incrementing the accumulated aggregate value by the value of postage relating to the one batch of mail items in response to completion of the same [col. 3, lines 53 – 54].

Regarding claim 19, Herring discloses value of postage relating to the one completed batch of mail items is the postage dispensed in respect of the one completed batch of mail items [col. 3, lines 53 – 54].

Regarding claims 20 – 21, Herring does not disclose receiving a message from a mail handling authority in respect of the one completed batch of mail items, and, decrementing the accumulated pending value by a value of postage relating to the one completed batch of mail items.

wherein the message includes an indication of an amount of postage charge determined by the mail handling authority to be due on the one completed batch of mail items, and the value of postage relating to the one completed batch of mail items is the amount of postage charge indicated in the message.

However, Herring discloses that it is known that postage meters have features of decrementing value stored in a register. As each mail item is franked with a printed postage impression, the value of credit registered in the descending register is decremented by an amount equal to the postage charge for the mail item [col. 1, lines 9 – 20]. DirecTV discloses that it requires that customers to connect the receiver box to a telephone line for billing and ordering purpose, i.e. DirecTV bills its customers for consumption of programming (consumer receiving message from DirecTV). This connection transmits programming purchase information from the receiver. [page 18].

Also, official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that it is a business choice to decide what information it chooses to store for accounting purposes, and for the length of time it keeps the information (when to remove the information from a accounts payable to accounts paid state). Therefore, it is known at the time of invention to a person with ordinary skill in the art to store the pending value (accounts payable) and decrement the closed transaction to determine the pending liability to the service provider for the services used.

Regarding claim 22, Herring does not disclose utilizing the accumulated aggregate value and the accumulated pending value to determine a payment due in respect of postage charges. Applicant discloses that postage meters operate in a post payment mode in which accumulated aggregate value of postage dispensed by the postage meter is determined by the postal authority and the user of the postage meter is billed for the value of postage dispensed [page 1, lines 14 – 21]. DirecTV discloses utilizing the accumulated aggregate value (value of past consumption for which the consumer has not made payment) and the accumulated pending value (current downloaded billing information) to determine a payment due in respect (programming consumed, i.e. postage charges). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herring as taught by DirecTV to implement an accounting system to allow the postage meter to be

functional when there is negative balance, calculate liabilities to determine the cash flow, etc.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

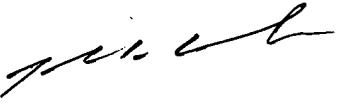
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Naresh Vig  
November 26, 2003

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600